

A091 (Rev. 8/01) Criminal Complaint

SEP 05 2013

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Rey SOLIS

CRIMINAL COMPLAINTCase Number: C-13-1089m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 9/4/2013 in Brooks County, in the
(Date)

Southern District of Texas, the defendant(s)

Rey SOLIS

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the
following facts: Official Title

See Attached Affidavit of ICE Special Agent **David M Villarreal**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

David M Villarreal
Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found

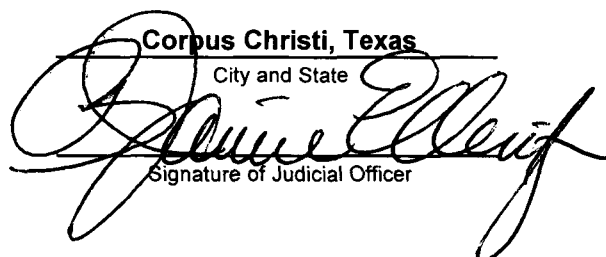
September 5, 2013

Date

at

Corpus Christi, Texas
City and State

B. Janice Ellington U.S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

On September 4, 2013 Falfurrias Border Patrol Agents encountered and arrested Rey Solis near Falfurrias, Texas at the Falfurrias Border Patrol Checkpoint transporting four undocumented aliens hidden in the bed of a 2003 Chevrolet Avalanche.

On September 4, 2013 Border Patrol Agent (BPA) Campos was assigned immigration inspection duties at the U.S. Border Patrol Checkpoint located 13 miles South of Falfurrias, Texas on U.S. Highway 281. Working with BPA Campos was BPA Sowell utilizing his Service Canine Mike-A to perform non-intrusive free air sniffs of the exterior of the oncoming vehicles.

At approximately 0715 hours an orange Avalanche Chevrolet pickup truck approached the primary lane for an immigration inspection of its occupant. BPA Campos asked the driver, later identified as Rey Solis, if he was a United States Citizen. Solis stated yes. As BPA Campos was conducting an immigration inspection of Solis, Agent Sowell was utilizing his Service Canine Mike-A to conduct a non-intrusive free air sniff of the vehicles exterior. At this time Agent Sowell informed BPA Campos that his canine was alerting to the bed of the vehicle. BPA Campos asked Solis what he had in the bed of the truck. Solis stated it was his work clothes. Since the bed of the truck had a cover over it, and BPA Campos couldn't see inside the bed, BPA Campos asked Solis if he could search the bed of the truck. Solis gave consent. BPA Campos then asked Solis to park his vehicle in the secondary inspection area.

Once in the secondary inspection area Solis was asked to exit the vehicle by BPA Gonzalez. As soon as BPA Gonzalez had Solis exit the vehicle, Solis stated "I'm not going to lie to you I have bodies in the back." BPA Gonzalez asked Solis to repeat his statement. Solis stated "I have bodies." BPA Gonzalez asked Solis how many. Solis stated, "I have four." At this time BPA Sowell was conducting a search of the vehicle and informed BPA Campos that once again his canine was alerting to the rear of the vehicle. A closer inspection of the vehicle revealed four people hiding in the bed of the truck. An immigration inspection was conducted on the four subjects and it was revealed that all four were undocumented aliens illegally in the United States. Adrian NUNEZ-FLORES was from Mexico. Maria Del Socorro, HERNANDEZ-CRUZ was from Mexico. Bessy Yamileth, MENJIVAR-HERNANDEZ was from Salvador. Romana Elizabeth, ORANTES-VILLACORTA was from El Salvador. At this time Solis and the four subjects were placed under arrest and escorted inside the checkpoint for processing.

BPA Campos read Solis his rights as per service form I-214 in his preferred language of English. Solis signed the form indicating he understood his rights. BPA Cervantes witnessed the reading of the rights. BPA Campos asked Solis if he wanted to make a statement concerning the four undocumented aliens hiding in the bed of the pickup truck. Solis stated he was willing to make a statement without a lawyer present. Solis stated that he was going to take the aliens to Falfurrias, Texas. BPA Campos asked Solis who hid the undocumented aliens in the bed of the pickup truck. Solis stated that a friend of

his told him to drive the truck to Falfurrias, Texas. BPA Campos asked Solis what his friends name was and at this time Solis told BPA Campos that he did not wish to make any further statement. Solis stated that he was going to get a lawyer. At this time no more questions were asked.

BPA Campos then read Material Witness Maria Del Socorro HERNANDEZ-CRUZ her rights as per form I-214 in her preferred language of Spanish. BPA Lopez witnessed the reading of the rights. HERNANDEZ-CRUZ signed the form indicating she understood her rights. BPA Campos asked HERNANDEZ-CRUZ if she wanted to make a statement concerning her hiding in the bed of the pickup truck. HERNANDEZ-CRUZ stated that she was at a gas station and she asked Solis if he could give her a ride because she was trying to make her way to Houston, Texas. HERNANDEZ-CRUZ stated that Solis said yes and told her to get in the bed of the pickup truck. BPA Campos asked HERNANDEZ-CRUZ if she paid Solis any money to take her Houston, Texas. HERNANDEZ-CRUZ stated that she did not pay SOLIS any money. BPA Campos then asked HERNANDEZ-CRUZ how much she was going to have to pay. HERNANDEZ-CRUZ stated that there was never any talk about paying for her being taken to Houston, Texas. HERNANDEZ-CRUZ identified Rey Solis as the driver of the vehicle from a photo lineup.

BPA Campos then read Material Witness Bessy Yamileth, MENJIVAR HERNANDEZ her rights as per form I-214 in her preferred language of Spanish. BPA Lopez witnessed the reading of the rights. MENJIVAR signed the form indicating she understood her rights. BPA Campos asked MENJIVAR if she wanted to make a statement concerning her hiding in the back of the pickup truck. MENJIVAR stated that she and the other three subjects were dropped off at a gas station by an unknown man. BPA Campos asked MENJIVAR if she could identify the person that dropped them off at the gas station. MENJIVAR stated that she could not, because she hadn't seen him before. BPA Campos asked MENJIVAR if she could describe the place she was being kept at. MENJIVAR stated that they were kept in a warehouse. BPA Campos asked MENJIVAR if there were any other people at this warehouse, to which she stated no. BPA Campos asked MENJIVAR how much she was going to pay to get smuggled through the checkpoint. MENJIVAR stated that they hadn't talked about paying anyone. MENJIVAR-HERNANDEZ identified Rey Solis as the driver of the vehicle from a photo lineup.

Record checks revealed that Rey SOLIS has been previously apprehended once for Alien Smuggling on May 29, 2013 at the U.S. Border Patrol Checkpoint located in Falfurrias, Texas. SOLIS attempted to smuggle two illegal aliens concealed behind the seat off the vehicle he was driving. SOLIS was released due to the case not meeting prosecution guide lines.

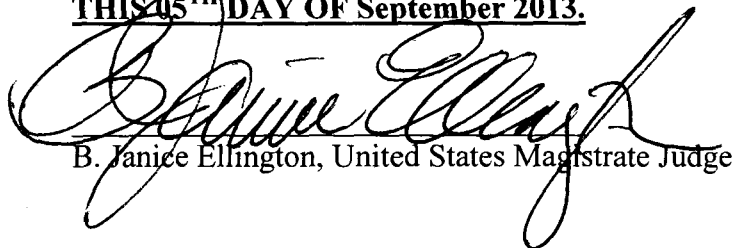
The remaining two aliens were interviewed and no exculpatory statements were made.

AUSA Lance Watt was contacted and advised of the arrest of SOLIS. AUSA Watt agreed to prosecute SOLIS for violating 8 USC 1324.



David M Villarreal
Border Patrol Agent
Homeland Security Investigations (HSI)

SWORN TO AND BEFORE ME, PROBABLE CAUSE FOUND
THIS 05TH DAY OF September 2013.



B. Janice Ellington, United States Magistrate Judge